

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: April 21, 2004

Division: Growth Management

Bulk Item: No X

Department: Planning & Env. Resources

AGENDA ITEM WORDING: A public hearing to adopt an ordinance amending Section 9.5-122.3, Monroe County Code, to prohibit the award of ROGO points for the aggregation of lots in specific areas. [One hearing only required]

ITEM BACKGROUND: Currently, the ROGO regulations permit applicants to receive three points for each lot that they aggregate. This aggregation, while reducing the total number of lots that may be developed, increases the amount of clearing that may be permitted for a single dwelling unit. For example, a lot with high quality hammock may be cleared up to 20% for the single dwelling unit. In this case, if the size of the lot is doubled by aggregation, twice the amount of the hammock may be cleared. This does not support the County's goal of the Florida Keys Carrying Capacity Study (FKCCS) to preserve the upland natural vegetation areas of the Keys. Elimination of the three point award in areas designated for acquisition by government agencies will ensure protection of the upland native vegetated areas.

PREVIOUS RELEVANT BOCC ACTION: At the August 20, 2003, regular meeting, the Board of County Commissioners directed staff to prepare this amendment to the Land Development Regulations.

CONTRACT/AGREEMENT CHANGES: N/A

STAFF RECOMMENDATIONS: Approval .

TOTAL COST: N/A

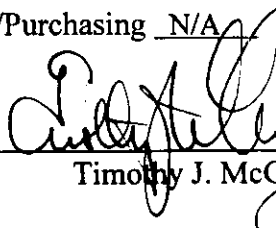
BUDGETED: Yes No X

COST TO COUNTY: N/A

REVENUE PRODUCING: Yes No X **AMOUNT PER MONTH** **Year**

APPROVED BY: County Atty Yes OMB/Purchasing N/A Risk Management N/A

DIVISION DIRECTOR APPROVAL:


Timothy J. McGarry, AICP

DOCUMENTATION: Included X To Follow Not Required

DISPOSITION:

AGENDA ITEM # 43


KMC
Planning Director

**AMENDMENT TO THE MONROE
COUNTY LAND DEVELOPMENT
REGULATIONS**

Board of County Commissioners
Meeting ~ Key West
April 21, 2004

PROPOSED AMENDMENT TO MONROE COUNTY LAND DEVELOPMENT REGULATIONS

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONS AMENDING SEC. 9.5-122.3 OF THE MONROE COUNTY LAND DEVELOPMENT REGULATIONS IN ORDER TO PROHIBIT THE AWARD OF ROGO POINTS FOR AGGREGATION IN SPECIFIC AREAS. PROVIDING FOR REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; AND DIRECTING THE PLANNING DIRECTOR TO FORWARD A CERTIFIED COPY OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS AND PROVIDING AN EFFECTIVE DATE.

Land Development Regulations Text Amendment

Staff	Approval	January 15, 2004	Staff Report
DRC	Approval	January 15, 2004	Resolution#D04-04
PC	Approval	March 10, 2004	Resolution #P11-04

Board of County
Commissioners Ordinance

ORDINANCE NO. -2004

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONS AMENDING SEC. 9.5-122.3 OF THE MONROE COUNTY LAND DEVELOPMENT REGULATIONS IN ORDER TO PROHIBIT THE AWARD OF ROGO POINTS FOR AGGREGATION IN SPECIFIC AREAS. PROVIDING FOR REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; AND DIRECTING THE PLANNING DIRECTOR TO FORWARD A CERTIFIED COPY OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the ROGO regulations currently permit applicants to receive three points for each lot that they aggregate; and

WHEREAS, this aggregation, while reducing the total number of lots that can be developed, increases the amount of clearing that may be permitted for a single dwelling unit; and

WHEREAS, this would increase the amount of hammock that may be cleared; and

WHEREAS, this does not support the County's goals or those of the Florida Keys Carrying Capacity Study (FKCCS) recommendations of preserving the upland natural vegetation; and

WHEREAS, public ownership of the upland native vegetated areas is the only way to ensure their protection; and

WHEREAS, the Board of County Commissioners, at their meeting of August 20, 2003, directed staff to prepare an amendment to ROGO removing the points for aggregating lots in areas designated for acquisition by governmental agencies; and

WHEREAS, the Board finds that there is a need to amend this section of the Land Development Regulations in order to support the County's goals and the Florida Keys Carrying Capacity Study (FKCCS) recommendations of preserving the upland natural vegetation; and

WHEREAS, the Board finds that the proposed change is consistent with Section 9.5-511(d)(5) b. (iv) New Issues and (v) Recognition of a need for additional detail; and

WHEREAS, the Board finds that the proposed change is consistent with the goals of the Monroe County Year 2010 Comprehensive Plan; and

WHEREAS, this text change was reviewed and recommended for approval to the Planning Commission at the DRC public meeting of January 15, 2004; and

WHEREAS, this text change was reviewed and recommended for approval at the Planning Commission public hearing of March 10, 2004; and

WHEREAS, the Board of County Commissioners at their meeting of April 24, 2004 in Key West, Florida reviewed the proposed amendment to Section 9.5-122.3, recommended by the Planning Commission and Growth Management; and

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THE FOLLOWING:

Section 1: PROPOSED TEXT CHANGES

underlined text is new.

Section 9.5-122.3 Evaluation criteria

(a)(3) *Lot aggregation:*

Additional requirements:

2. Points will not be awarded for lot aggregation within those areas proposed for acquisition by governmental agencies for the purpose of resource protection.

Section 2: If any section, subsection, sentence, clause, item, change or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

Section 3: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 4: The ordinance shall be transmitted by the Planning Department to the Florida Department of Community Affairs pursuant to the Florida Statutes.

Section 5: This ordinance shall be filed in the Office of the Secretary of State of the State of Florida, but shall not become effective until a notice is issued by the Department of Community Affairs or Administration Commission approving this ordinance.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the _____ day of _____, 2004.

Mayor Nelson
Mayor Pro Tem Rice
Commissioner McCoy
Commissioner Neugent
Commissioner Spehar


(SEAL)
Attest: DANNY L. KOLHAGE, Clerk

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By _____
Deputy Clerk

By _____
Mayor/Chairperson

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:


ROBERT N. WOLFE
CHIEF ASSISTANT COUNTY ATTORNEY
Date 4-5-04

Board of County Commissioners

Staff Report

Planning and Environmental Resources
K. Marlene Conaway, Director
2798 Overseas Highway
Suite #400
Marathon, Florida 33050
Voice: (305) 289-2500
FAX: (305) 289-2536



Board of County Commissioners
Mayor Murray Nelson, Dist. 5
Mayor Pro Tem David P. Rice Dist. 4
Comm. Charles "Sonny" McCoy, Dist. 3
Comm. George Neugent, Dist. 2
Comm. Dixie Spehar, Dist. 1

April 2, 2004

TO: Board of County Commissioners

FROM: K. Marlene Conaway, Director Planning and Environmental

DATE: April 2, 2004

**SUBJECT: PROPOSED AMENDMENTS TO SEC. 9.5-122.3 OF THE MONROE
COUNTY LAND DEVELOPMENT REGULATIONS IN ORDER TO
PROHIBIT THE AWARD OF ROGO POINTS FOR
AGGREGATION IN SPECIFIC AREAS.**

I. BACKGROUND

Currently, the ROGO regulations permit applicants to receive three points for each lot that they aggregate. This aggregation, while reducing the total number of lots that can be developed, increases the amount of clearing that may be permitted for a single dwelling unit. For example, a high quality hammock lot may be cleared of 20% of the hammock for the development. In this case, if the size of the lot is doubled by aggregation, twice the amount of the hammock may be cleared. This does not support the County's goals or the Florida Keys Carrying Capacity Study (FKCCS) recommendations of preserving the upland natural vegetation. Public ownership of the upland native vegetated areas is the only way to ensure their protection. The Board of County Commissioners, at their meeting of August 20, 2003, directed staff to prepare an amendment to ROGO removing the points for aggregating lots in areas designated for acquisition by governmental agencies.

This proposed amendment was reviewed and approved by the Development Review Committee at its public meeting of January 15, 2004. The Planning Commission recommended approval to the Board of County Commissioners at their meeting of March 10, 2004.

II. ANALYSIS & FINDINGS OF FACT

1. Staff finds that there is a need to amend these sections of the Land Development Regulations in order to support the County's goals and the Florida Keys Carrying

Capacity Study (FKCCS) recommendations of preserving the upland natural vegetation.

2. Staff finds that the proposed change is consistent with Section 9.5-511(d)(5) b. (iv) New Issues and (v) Recognition of a need for additional detail.
3. Staff finds that the proposed change is consistent with the goals of the Monroe County Year 2010 Comprehensive Plan.

III. PROPOSED CHANGES

<u>underlined text</u> is new.

Section 9.5-122.3 Evaluation criteria

(a)(3) *Lot aggregation:*

Additional requirements:

3. Points will not be awarded for lot aggregation within those areas proposed for acquisition by governmental agencies for the purpose of resource protection.

IV. STAFF RECOMMENDATION

Based on the findings of fact, the staff recommends to the Monroe County Board of County Commissioners **APPROVAL** of the text change to the Monroe County Land Development Regulations.

Planning Commission
Resolution

#P11-04

PLANNING COMMISSION RESOLUTION P11-04

A RESOLUTION BY THE MONROE COUNTY DEVELOPMENT REVIEW COMMITTEE RECOMMENDING APPROVAL TO THE MONROE COUNTY PLANNING COMMISSION OF THE REQUEST FILED BY THE MONROE COUNTY PLANNING DEPARTMENT TO AMEND SEC. 9.5-122.3 OF THE MONROE COUNTY LAND DEVELOPMENT REGULATIONS IN ORDER TO PROHIBIT THE AWARD OF ROGO POINTS FOR AGGREGATION IN SPECIFIC AREAS.

WHEREAS, the ROGO regulations currently permit applicants to receive three points for each lot that they aggregate; and

WHEREAS, this aggregation, while reducing the total number of lots that can be developed, increases the amount of clearing that may be permitted for a single dwelling unit; and

WHEREAS, this would increase the amount of hammock that may be cleared; and

WHEREAS, this does not support the County's goals or those of the Florida Keys Carrying Capacity Study (FKCCS) recommendations of preserving the upland natural vegetation; and

WHEREAS, public ownership of the upland native vegetated areas is the only way to ensure their protection; and

WHEREAS, the Board of County Commissioners, at their meeting of August 20, 2003, directed staff to prepare an amendment to ROGO removing the points for aggregating lots in areas designated for acquisition by governmental agencies; and

WHEREAS, the Commission finds that there is a need to amend this section of the Land Development Regulations in order to support the County's goals and the Florida Keys Carrying Capacity Study (FKCCS) recommendations of preserving the upland natural vegetation; and

WHEREAS, the Commission finds that the proposed change is consistent with Section 9.5-511(d)(5) b. (iv) New Issues and (v) Recognition of a need for additional detail; and

WHEREAS, the Commission finds that the proposed change is consistent with the goals of the Monroe County Year 2010 Comprehensive Plan; and

WHEREAS, this text change was reviewed and APPROVED at the DRC public meeting of January 15, 2004;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, that the preceding findings of fact support their decision to recommend **APPROVAL** to the Monroe County Board of County Commissioners of the following amendment to the text of the Monroe County Land Development Regulations as requested by the Monroe County Planning Department:

I. PROPOSED TEXT CHANGES

<u>underlined text</u> is new.

Section 9.5-122.3 Evaluation criteria

(a)(3) *Lot aggregation:*

Additional requirements:

2. Points will not be awarded for lot aggregation within those areas proposed for acquisition by governmental agencies for the purpose of resource protection.

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PASSED AND ADOPTED By the Planning Commission of Monroe County,
Florida at a regular meeting held on the 10th day of March, 2004.

Lynn C. Mapes, Chair

YES

David C. Ritz, Vice Chair

YES

Julio Margalli, Commissioner

YES

Denise Werling, Commissioner

YES

James D. Cameron, Commissioner

YES

PLANNING COMMISSION OF MONROE COUNTY, FLORIDA

By _____
Lynn C. Mapes, Chair

Signed this _____ day of _____, 2004.

Development Review
Resolution

#D7-04

Dated & Signed
on February 26, 2004



**DEVELOPMENT REVIEW COMMITTEE
RESOLUTION #D7-04**

A RESOLUTION BY THE MONROE COUNTY DEVELOPMENT REVIEW COMMITTEE RECOMMENDING APPROVAL TO THE MONROE COUNTY PLANNING COMMISSION OF THE REQUEST FILED BY THE MONROE COUNTY PLANNING DEPARTMENT TO AMEND SEC. 9.5-122.3 OF THE MONROE COUNTY LAND DEVELOPMENT REGULATIONS IN ORDER TO PROHIBIT THE AWARD OF ROGO POINTS FOR AGGREGATION IN SPECIFIC AREAS.

WHEREAS, the ROGO regulations currently permit applicants to receive three points for each lot that they aggregate; and

WHEREAS, this aggregation, while reducing the total number of lots that can be developed, increases the amount of clearing that may be permitted for a single dwelling unit; and

WHEREAS, this would increase the amount of hammock that may be cleared; and

WHEREAS, this does not support the County's goals or those of the Florida Keys Carrying Capacity Study (FKCCS) recommendations of preserving the upland natural vegetation; and

WHEREAS, public ownership of the upland native vegetated areas is the only way to ensure their protection; and

WHEREAS, the Board of County Commissioners, at their meeting of August 20, 2003, directed staff to prepare an amendment to ROGO removing the points for aggregating lots in areas designated for acquisition by governmental agencies; and

WHEREAS, the Commission finds that there is a need to amend this section of the Land Development Regulations in order to support the County's goals and the Florida Keys Carrying Capacity Study (FKCCS) recommendations of preserving the upland natural vegetation; and

WHEREAS, the Commission finds that the proposed change is consistent with Section 9.5-511(d)(5) b. (iv) New Issues and (v) Recognition of a need for additional detail; and

WHEREAS, the Commission finds that the proposed change is consistent with the goals of the Monroe County Year 2010 Comprehensive Plan; and

WHEREAS, this text change was reviewed and APPROVED at the DRC public meeting of January 15, 2004;

NOW THEREFORE, BE IT RESOLVED BY THE DEVELOPMENT REVIEW COMMITTEE OF MONROE COUNTY, FLORIDA, that the preceding findings of fact support their decision to recommend **APPROVAL** to the Monroe County Planning Commission of the following amendments to the text of the Monroe County Land Development Regulations as requested by the Monroe County Planning Department:

I. PROPOSED TEXT CHANGES

<p><u>underlined text</u> is new.</p>

Section 9.5-122.3 Evaluation criteria

(a)(3) *Lot aggregation:*

Additional requirements:


2. Points will not be awarded for lot aggregation within those areas proposed for acquisition by governmental agencies for the purpose of resource protection.

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PASSED AND ADOPTED By the Development Review Committee of Monroe County, Florida at a regular meeting held on the 15th day of January, 2004.

Fred Gross, Director, Lower Keys Planning Team (Chair)	<u>YES</u>
Aref Joulani, Development Review and Design Senior Administrator	<u>YES</u>
Ralph Gouldy, Environmental Resources Senior Administrator	<u>YES</u>
Department of Health (by fax)	<u>YES</u>
Department of Public Works (by fax)	<u>YES</u>
Department of Engineering (by fax)	<u>YES</u>

DEVELOPMENT REVIEW COMMITTEE OF MONROE COUNTY, FLORIDA

By 
Fred Gross, DCR Chair

Signed this 26 day of February, 2004